

MARY C. BATES.

JUNE 14, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BOTKIN, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 2459.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2459) granting a pension to Mary C. Bates, have examined the same and the evidence relating thereto and respectfully report:

The effect of this bill as amended will be to pension at \$17 per month Mary C. Bates, of Washington, D. C., widow of Francis H. Bates, who was graduated from the United States Military Academy and appointed a brevet second lieutenant, Fourth Infantry, July 1, 1850; promoted to second lieutenant April 15, 1852; first lieutenant November 22, 1854, and captain May 14, 1861. He was retired as captain October 11, 1863, and was subsequently on mustering and disbursing duty to some time in June, 1869, when ordered to his home.

He died August 12, 1895, at Washington, D. C., of paresis. The records show that while in active service he contracted hemorrhoids and was enfeebled at times by hemorrhage. He also suffered from chills and fever.

November 22, 1895, a claim was filed by his widow, alleging that his death was due to disease contracted in 1862, while he was serving as captain. When examined for retirement in 1863 he stated to the board that he was first afflicted with hemorrhoids in San Francisco, Cal., in 1854.

The testimony of four army surgeons and one civilian physician has been filed in the attempt to prove that the paresis, with œdema of lungs, from which the soldier died, was due to hemorrhoids which originated in the service.

The claim was rejected at the Pension Office November 18, 1896, on the ground that death resulted from paresis not due to cause which has been legally accepted (hemorrhoids). An appeal was taken to the Secretary of the Interior. The claim was reopened and a special examiner sent to take the testimony of each of the physicians, and as a result the medical referee adhered to his position that death was not due to hemorrhoids, and in that was sustained by the Secretary.

The army surgeons who have testified in this case were all acquainted with the soldier and treated him at different times, and are naturally friendly to his widow, and the only civilian physician is a relative of the claimant. All are men of first-class standing, professionally and personally.

Without going into an analysis of the evidence and the probabilities in the case, which has been very thoroughly done by the Secretary, it may be said that there is at least a reasonable doubt as to whether death may not have been due to service, and in view of the stoutly maintained position of several army surgeons that death was due to service, it might not be improper for this committee to resolve that doubt in favor of the claimant and pension her at \$17 per month, total of the rank held by her husband when the disease which is alleged to have caused his death was incurred, in case such pension is necessary for her support.

The claimant was married to the soldier June 5, 1860, and is 61 years of age. Her financial condition is not shown otherwise than by a paper, of which the following is a copy:

WASHINGTON, D. C., April 27, 1898.

THE CHAIRMAN OF THE COMMITTEE ON INVALID PENSIONS:

I herein desire to make a statement of my financial condition. My income averages \$25 per month, but, owing to the depression in business matters, I have great difficulty in getting my small income regularly, having now been without my interest money for six months, and with a seeming possibility of waiting many months more. Owing to this—my distressing money affairs—I am now your earnest petitioner for a pension of \$50 per month, whereby I may live as it befits the widow of an army officer whose rank and record justifies my earnest appeal. I own not one foot of property. Have no son or brother to aid me. I herewith send you the sworn statement of two of the best-known business men of Washington.

MARY C. C. BATES.

I. H. BRADLEY.

J. E. WATERS.

Subscribed and sworn to before me this 27th day of April, A. D. 1898.

[SEAL.]

JOSEPH W. DAVIS, *Notary Public*.

Your committee is of the opinion that the soldier died of disease contracted in the service when he was a lieutenant and that the widow ought to have a pension of \$17 per month, and the bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 4 strike out the words "increase the pension of Mrs." and insert in lieu thereof the words "place the name of."

In line 6 strike out the words "retired, to fifty dollars per month" and insert the following: "On the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension at the rate of seventeen dollars per month."

Amend the title so as to read: "A bill granting a pension to Mary C. Bates."